

SUPPLEMENTAL NOTICE OF DEDICATORY INSTRUMENTS
for
HOMEOWNERS ASSOCIATION OF WEST PALM VILLAS ON WALDEN ROAD, INC.

THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

The undersigned, being the Authorized Representative of Homeowners Association OF West Palm Villas on Walden Road, Inc. (the "Association"), a property owner's association as defined in Section 202.001 of the Texas Property Code, hereby supplements the "Notice of Dedicatory Instruments for Homeowners Association of West Palm Villas on Walden Road, Inc." and "Supplemental Notice of Dedicatory Instruments for Homeowners Association of West Palm Villas on Walden Road, Inc." filed of record in the Official Public Records of Real Property of Montgomery County, Texas under County Clerk's File Nos. 2002-121648 and 2013005764 ("Notice"), which Notice was filed of record for the purpose of complying with Section 202.006 of the Texas Property Code.

Additional Dedicatory Instrument. In addition to the Dedicatory Instruments identified in the Notice, the following documents are Dedicatory Instruments governing the Association:

Certificate of Secretary of Homeowners Association of West Palm Villas on Walden Road, Inc. regarding Board Resolution adopting Fining Policy & Floral, Greenery and Garden Policy, the Fining Policy, and the Floral, Greenery and Garden Policy.

True and correct copies of such Dedicatory Instruments are attached to this Supplemental Notice.

This Supplemental Notice is being recorded in the Official Public Records of Real Property of Montgomery County, Texas for the purpose of complying with Section 202.006 of the Texas Property Code. I hereby certify that the information set forth in this Supplemental Notice is true and correct and that the copies of the Dedicatory Instruments attached to this Notice are true and correct copies of the originals.

Executed on this 25th day of May, 2016.

**HOMEOWNERS ASSOCIATION OF WEST PALM
VILLAS ON WALDEN ROAD, INC.**

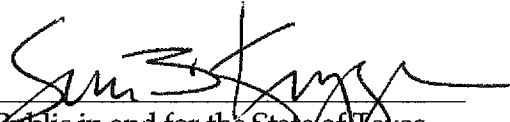
By:



Rick S. Butler, Authorized Representative

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this 25th day of May, 2016 personally appeared Rick S. Butler, Authorized Representative of Homeowners Association of West Palm Villas on Walden Road, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.



Notary Public in and for the State of Texas



CERTIFICATE OF SECRETARY
of
HOMEOWNERS ASSOCIATION OF WEST PALM VILLAS ON WALDEN ROAD, INC.
regarding
BOARD RESOLUTION
adopting
FINING POLICY & FLORAL, GREENERY AND GARDEN POLICY

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

I, HARRIET A. KERR, Secretary of Homeowners Association of West Palm Villas on Walden Road, Inc. (the "Association"), do hereby certify that at a meeting of the Association's Board of Directors (the "Board") duly called and held on the 5th day of May, 2016, with at least a quorum of the members of the Board being present and remaining throughout, and being duly authorized to transact business, the following resolution was duly made and approved by a majority vote of the members of the Board:

Section 204.010(a)(6) of the Texas Property Code provides a property owners' association, acting through its board of directors may regulate "the use, maintenance, repair, replacement, modification and appearance of the subdivision"; and

Article III, Section 3.4 of that certain instrument entitled "Amended and Restated Declaration of Covenants, Conditions and Restrictions for West Palm Villas on Walden Road" filed of record in the Official Public Records of Real Property of Montgomery County, Texas, under County Clerk's File No. 2003-072567 (the "Declaration") provides in pertinent part:

The Association, through its Board of Directors, may adopt, amend, repeal, and enforce Rules and Regulations, fines, levies, and enforcement provisions as it deems necessary or desirable with respect to the interpretation and implementation of the Declaration, the operation of the Association, the use and enjoyment of the Common Areas, the use and enjoyment of the boat slips and the use of any other property within the Subdivision, including Lots. ...

The Board of Directors wishes to adopt the "Homeowners Association of West Palm Villas on Walden Road, Inc. Fining Policy" and the "Homeowners Association of West Palm Villas on Walden Road, Inc. Floral, Greenery & Garden Accessories" attached hereto.

**HOMEOWNERS ASSOCIATION OF WEST PALM VILLAS ON WALDEN ROAD, INC.
FINING POLICY**

1. This Fining Policy replaces and supersedes any previous fining policy adopted by the *Homeowners Association of West Palm Villas on Walden Road, Inc.* (Association).
2. Each Owner [as that term is defined in the *Amended and Restated Declaration of Covenants, Conditions and Restrictions for West Palm Villas on Walden Road, as amended or supplemented, if any* (hereinafter referred to as the "Declaration") filed in the Official Public Records of Real Property of Montgomery County, Texas at Clerk's File No. 2003-072567] is responsible for assuring that the Owner and the Owner's tenant(s), occupant(s), guest(s) and invitees comply with the provisions of the Association's Dedicatory Instruments [as that term is defined by Section 209.002(4) of the *Texas Property Code* or its successor statute] that are applicable to the properties under the jurisdiction of the Association. In the event that an Owner, tenant, occupant, guest or invitee of an Owner violates any of the provisions of the Dedicatory Instruments, the Association's *Board of Directors* (Board) shall have the authority to impose a fine as described below upon the Owner and/or occupant of a property under the jurisdiction of the Association.
3. The Association shall, before a fine is imposed, give the Owner of the property the notice required by law and or the Association's Dedicatory Instruments, if any. The Board may, at its sole and absolute discretion, also provide the notice required by law and/or the Association's Dedicatory Instruments, if any, to the occupant of the property.
4. If the violation continues from day to day without intervening activity (i.e., a "curable" violation) as determined at the sole and absolute discretion of the Board, the Fine Schedule shall be as follows:

\$50.00 per month until corrected

5. If the violation consists of single occurrence (i.e., an "uncurable violation") or separate occurrences (i.e., repeat instances of an "uncurable violation") as determined at the sole and absolute discretion of the Board, the Fine Schedule shall be as follows:

First Violation: \$100.00 per occurrence

Each Additional Similar or Substantially Similar Violation: \$200.00 per occurrence

6. The Fine Schedule for a violation of any term or provision of Article IX (Architectural Control) of the Declaration shall be as follows:

\$50.00 per day until corrected

7. The Board is hereby authorized at its sole and absolute discretion to impose a lesser fine or no fine at all for a violation of the Dedicatory Instruments. Any adjustment to the Fine Schedule by the Board shall not be construed as a waiver of the Fine Schedule or the Dedicatory Instruments.
8. This Fining Policy is in addition to any other remedy the Association may have to pursue a violation of the Dedicatory Instruments and in no way limits or estops the Association from pursuing any other remedy to enforce the Dedicatory Instruments.

**HOMEOWNERS ASSOCIATION OF WEST PALM VILLAS
ON WALDEN ROAD, INC.
Floral, Greenery & Garden Accessories
As of May 5, 2016**

Article IX, Sec. 9.1 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for West Palm Villas on Walden Road (the "Declaration") states that no improvements, including landscaping, yard ornaments and lawn/patio furniture shall be placed, erected or installed on any Lot until the owner receives written approval from the Association's Architectural Control Committee (the "ACC"). This memorandum is meant to provide direction to homeowners on floral, greenery and garden accessory placements. The Board of Directors, acting in its role as the ACC, solicited input from its homeowners and landscaping service to create the following list of approved floral, greenery, and garden accessories that it will use in reviewing homeowner requests for such items.

ACC Form Submission

Homeowners must submit an ACC request form for all proposed landscaping, including replacing dead plants and changing existing plants. The Association will provide maintenance upon each Lot's irrigation systems and landscaping, including care for and replacement of trees, shrubs and grass [Declaration Art. X, Section 10.1(a)]. Homeowners will assume the cost to replace existing plants, if approved, and for floral in their rear gardens. Any landscape changes that affect two neighbor's common areas such as the Front Circular Gardens, Driveway Dividers, Front Entry Sidewalk Gardens and Rear Circular/Triangular Gardens should be submitted jointly by adjacent neighbors. If the ACC form is not signed by both homeowners, then an email or approval letter from the non-submitting neighbor must be attached to the request.

Where deviations exist today in landscaping, garden accessories, or dock fixtures, it is incumbent on the homeowner to take the steps necessary to be in compliance with this list of approved landscaping items. Homeowner should comply within 45 days of issuance of this document. You may petition the ACC with other floral, greenery, and garden accessory considerations.

The following are approved plants for each area:

Front Circular Garden Areas

In order to ensure an overall landscape look in the community and symmetry in the circular garden areas, the ACC approved year round shrubs that do not have to be replaced due to inclement weather and include:

- Aztec grass
- boxwoods
- dwarf bottle brush
- dwarf loropetalum (fringe flower)
- dwarf yaupon

- holly junipers (creeping, prostrate, green mound)
- rose bushes

Large boulders can be added but no other accessory items.

Front Driveway Dividers

Once again, in order to ensure an overall landscape look in the community and symmetry in the driveway dividers, the ACC approved year round shrubs that do not have to be replaced due to inclement weather and include:

- dwarf bottle brush
- dwarf loropetalum (fringe flower)
- dwarf yaupon holly
- Indian hawthorn
- knock out roses
- oleander
- other cold hardy roses

The width of the divider varies from 17 to 35 inches and will be considered when approving a shrub. No accessory items can be added.

Front Entry Sidewalk Garden Areas

To continue to ensure an overall landscape look and symmetry, greenery approved for the front entry sidewalk garden areas includes:

- azaleas
- cleyera japonica
- dwarf bottle brush
- dwarf loropetalum (fringe flower)
- dwarf oyster
- dwarf yaupon holly
- fox tail fern
- Indian Hawthorn
- ligustrum wax leaf
- Mediterranean palm
- wax myrtle
- windmill palm

The ACC will approve up to three accessory items including such items as freestanding pots, stone benches, bird feeders, shepherds hooks, and other yard art.

Rear Garden Areas (next to patios)

The ACC acknowledges that each homeowner wants to personalize their rear garden areas and the community benefits from homeowners who take personal care of their garden areas. The rear garden area can have a more distinctive look to it but should not be so distinctive as to be set apart from your neighbors. Greenery approved for the rear garden areas include:

- Aztec grass

- crepe myrtle trees
- dwarf oyster
- dwarf bottle brush
- dwarf loropetalum (fringe flower)
- evergreen shrubs
- floral plants and other perennials
- fox tail fern
- gardenias
- hibiscus
- holly
- palm trees (Mexican Fan, Mediterranean, Queen, Windmill, others)
- rose bushes
- sego palms & other hardy palm plants
- variegated privet

The ACC will approve up to five accessory items including such items as bird feeders, freestanding pots, shepherd hooks, stone benches, and other yard art — outdoor grills are not counted as one of the five accessory items. The ACC will not approve and requests homeowners not to plant vegetable plants in the rear garden areas. Homeowners will bear the cost to add or replace rear garden floral and accessory items.

Rear Circular / Triangular Garden Areas (Lakeside Units)

Greenery approved for the rear circular / triangular garden areas include:

- azaleas
- Aztec grass
- boxwoods
- dwarf bottle brush
- dwarf yaupon holly
- dwarf loropetalum (fringe flower)
- Indian Hawthorn
- Knock out roses & other cold hardy roses
- loropetalum (fringe flower)

Large boulders can be added but no other accessories.

Side Beds (on the side of each building)

In order to ensure an overall landscape look and achieve symmetry in the community only hedges are approved for the side of each building.

- Aztec grass (in front of hedge)
- wax leaf ligustrum

No accessory items can be added.

Annual Color Additions

Homeowners may add annual or perennial color additions at their discretion and cost to the following areas:

- Front Circular Garden Areas
- Front Entry Sidewalk Garden Areas
- Rear Garden Areas
- Rear Circular / Triangular Garden Areas

Homeowners must submit an ACC form for any other floral additions.

Accessories

Accessories including freestanding pots and planters should be limited to the rear garden areas only and not added to the dock areas or driveways.

Holiday and Seasonal accessories guidance:

- Memorial Day, Independence Day, and Labor Day accessory items can include banners, other patriotic items, and temporary items such as badminton, croquet, water games, and other like games.
- Fall decorations including pumpkins, gourds, and other like items are appropriate anytime from October through November. Halloween decorations can be put up in October and should be removed by November 7th.
- Holiday seasonal lights and ornaments are appropriate from the last week of November through mid January and must be removed by January 20th.

As a reminder any placement of permanent dock fixtures such as patio furniture and storage boxes and dock enhancements such as covers and lifts, plus any exterior lighting requires the homeowner to submit request form to ACC for approval before placing the items.

These guidelines were created from input by many homeowners and are intended to assist homeowners when submitting ACC forms for adding or replacing floral, greenery, and accessories to their town homes. The ACC will rely on these guidelines in deciding whether to approve or reject homeowner requests.

E-FILED FOR RECORD
05/26/2016 8:17AM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY
I hereby certify this instrument was e-FILED in
file number sequence on the date and at the time
stamped herein by me and was duly e-RECORDED in
the Official Public Records of Montgomery County, Texas.

05/26/2016



County Clerk
Montgomery County, Texas